

**Rule 14. Pleas****Rule 14.01 Pleas Permitted**

A defendant may plead:

- (a) Guilty.
- (b) Not guilty.
- (c) Not guilty by reason of mental illness or mental deficiency.

(d) Double jeopardy or prosecution barred by Minnesota Statutes, section 609.035. Either may be plead with or without the plea of not guilty.

**Rule 14.02 Who May Plead**

**Subd. 1. Felony Charges.** A plea in cases involving felony charges must be made by an individual defendant in person on the record.

**Subd. 2. Gross Misdemeanor and Misdemeanor Charges.** A plea in cases involving misdemeanor or gross misdemeanor charges may be made by an individual defendant either in person on the record, by ITV, or by petition to plead guilty under Rule 15.03, subd. 2. The plea may be entered by counsel or by ITV if the court is satisfied that the defendant has knowingly and voluntarily waived the right to be present.

**Subd. 3. Corporate Defendant.** A plea by a corporate defendant must be made by counsel or an authorized corporate officer. The plea may be made on the record or in writing.

**Subd. 4. Defendant's Refusal to Plead.** If the defendant refuses to plead, or if the court refuses to accept a plea of guilty, the court must proceed as if the defendant had entered a plea of not guilty.

**Subd. 5. Defendant Corporation's Failure to Appear.** If a defendant corporation fails to appear, the court may enter judgment of conviction and impose sentence as may be appropriate on proof of commission of the charged offense.

(Amended effective August 1, 2012.)

**Rule 14.03 Timing of Pleas**

(a) In misdemeanor cases, the defendant may enter any plea, including a guilty plea, as early as the Rule 5 hearing.

(b) In gross misdemeanor cases, the defendant may plead guilty at the Rule 5 hearing if the defendant has had an opportunity to consult with counsel; otherwise entry of a guilty plea must await the Rule 8 or Omnibus Hearing. The defendant cannot enter any other plea until the Omnibus Hearing.

(c) In felony cases, a defendant may plead guilty as early as the Rule 8 hearing. The defendant cannot enter any other plea until the Omnibus Hearing.

(d) A defendant may also appear in court at proceedings after those listed above to plead guilty to the charged offense. To schedule an appearance, the defendant must file a written request with the court indicating the offense to which the defendant wishes to plead guilty. The court must schedule a hearing within 14 days after the request is filed. The court must then notify the defendant and the prosecutor of the time and place of the hearing.

***Comment - Rule 14***

*Notice of a defense or defenses under Rule 9.02, subd. 1(5) does not obviate the necessity for a plea under Rule 14.*

*Rule 20.02, subds. 6(2) and 7, governing the procedure upon the defense of mental illness or mental deficiency, contemplate that a defendant shall plead both not guilty and not guilty by reason of mental illness or deficiency when intending to put in issue both guilt on the elements of the offense charged and mental responsibility by reason of mental illness or deficiency.*

*A conditional plea of guilty may not be entered when the defendant reserves the right to appeal the denial of a motion to suppress evidence or any other pretrial order. State v. Lothenbach, 296 N.W.2d 854 (Minn. 1980). One option, as authorized by Rule 26.01 subd. 3, is to plead not guilty, stipulate the facts, waive the jury trial, and, if there is a finding of guilty, appeal the judgment of conviction. Id. A guilty plea also waives any appellate challenge to an order certifying the defendant as an adult. Waynewood v. State, 552 N.W.2d 718 (Minn. 1996).*

*In misdemeanor and gross misdemeanor cases, by Rule 14.02, subd. 2, before accepting such a plea through counsel, the court should determine whether counsel has advised the defendant of the rights and information contained in Rule 15.02. See also Rule 26.03, subd. 1(3) (defendant's presence at trial and sentencing) and Rule 27.03, subd. 2 (defendant's presence at sentencing).*